

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, December 21, 2009

Those Present: Mr. James E. McClellan, Chairman
Mr. Robert C. Snyder, Board Member
Mr. Charles R. Cline, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **Buffalo Wild Wings** – Ms. Vahle stated that there would not be a violation hearing for this licensee because they did not request permission for a special giveaway program. She stated that their lawyer sent a letter that the request had been hand delivered on September 23rd. There was no record of receiving the request. The Board gave them the benefit of a doubt so Ms. Vahle will give a warning to this licensee to follow up when sending requests into the Board.
2. **Violations** – Ms. Vahle suggested that for minor violations for the first time to send out a No Contest Letter with a preset fine and the licensee will come before the Board if there is a second offense. The Board agreed to charge a \$50 fine for the first violation. The Board decided in determining the difference between a conference and a hearing, a poll vote will be taken. Ms. Vahle will set up guidelines for the No Contest Letter and preset fine and present it to the Board.
3. **Hampton Inn** – Mr. Snyder requested that this licensee come in for a conference and explain about their waiver. Ms. Vahle will schedule a conference. The Board asked that a letter be sent to the licensee before the conference.
4. Decision Required: New License

RE: Jin Qiu Lin, Hai Sheng Lin
and Ying Hua Wu for the use
of Qiu Corporation

t/a **Market Basket II**
7005 Blue Mountain Rd.
Thurmont, MD 21788
**Class A, Off Sale, Beer and Light Wine
Sunday license**

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items is the: Occupancy Permit. Ying Hua stated that they had received the Occupancy Permit and would bring it in when they picked up the license. The Liquor Inspector stated they are compliant.

MOTION ONE: Mr. Snyder made a motion for a conditional approval for January 11, 2010.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

Aye – 3 Nay – 0

(Motion Passed)

5. Decision Required: Violation Hearing

RE: In Kim & Kirby Anthony
for the use of Crestwood Plaza Liquors
t/a **Crestwood Liquors**
6930 Crestwood Blvd
Frederick, Maryland 21703
**Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit & Wine Tasting Permit**
License Number 11AL 1268 SUWT
FCLB Case Number: 3759

The Board held a violation hearing for not Providing a Written Work Schedule for 9/9/09 and 10/21/09. Mrs. Thall swore in the licensees (See attached Sign In Sheet). In Kim, the licensee, pled Guilty. The Inspector testified he was there on two occasions and there was no work schedule.

MOTION ONE: Mr. Cline made a motion for a finding of guilty on both charges with a warning on the first violation and for the second violation a fine of \$500.

SECOND: Mr. Snyder seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE:

Mr. Cline – Aye
Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

6. Decision Required: Violation Hearing

RE: James Miller & Dennis Watson, Jr.
for the use of Miller's Ice &
Beverage, Corp
t/a **Miller's Ice & Beverage**
300 N East Street
Frederick, Maryland 21701
Class A, Off Sale, Beer & Light Wine
Sunday Permit
License Number 11AW 1193 SU
FCLB Case Number: 3625

The Board held a violation hearing for Late Pick up of the new License and Failing to Appear for a Violation Hearing. Mrs. Thall swore in the licensees (See attached Sign In Sheet). James Miller stated he did send a check for \$50 sometime in October and as of this date the check has not cleared. Mr. Miller stated that he had sent the check in and that is why they did not show up for the hearing. Mr. Miller pled Guilty on both charges.

MOTION ONE: Mr. Cline made a motion for a 30 day extension until Mr. Miller could find out whether a check had been sent or not

MOTION TWO: Mr. Snyder made a motion for Mr. Miller to issue a new check for \$50 on the first charge today and on the second charge a fine of \$500 and suspend \$300.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION
ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

7. Decision Required: Violation Hearing

RE: William Cullum, Gaither Draper,
Whang Shin & Won Yu
for the use of Dansam
Development, Inc
t/a **P.B. Dye Golf Club**
9526 Doctor Perry Road
Ijamsville, Maryland 21754
Class C, On Sale, Beer, Wine & Liquor
License Number 11CL 1085
FCLB Case Number: 3552

The Board held a violation hearing for Failing to Provide a Written Record of Employees. William Cullum the licensee pled Guilty to this charge. Mrs. Thall swore in the licensees (See attached Sign In Sheet). Liquor Inspector attempted to obtain an address for Ms. Auger the Manager. The staff would not give him the address and told him to use the club's address.

MOTION ONE: Mr. Cline made a motion for a fine of \$300.

SECOND: Mr. Snyder seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE:

Mr. Cline – Aye
Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

**MOTION BY THE LICENSEE
FOR RECONSIDERATION:** Licensee Won Yu of the club requested a warning instead of a fine because of hard times.

Mr. Cline stated he would not reconsider the fine as he felt he was very lenient in assessing the fine.

VOTE:

Mr. Cline – Nay
Mr. Snyder – Nay
Mr. McClellan – Nay

The vote was unanimous. **Aye – 0 Nay – 3**

(Motion Passed)

Ms. Vahle stated that a letter sent to Mr. Cullum was returned as a wrong address. Mr. Cullum stated he had moved 15 days ago. Ms. Vahle stated that the Board should have notification of a change of address within 10 days. Mr. Cullum gave the Board his new address and when it was effective.

8. Decision Required: Approval of the Public Meeting Minutes for November 30, 2009.

The Public Meeting Minutes of November 30, 2009 were approved.

MOTION: Mr. Snyder made a motion to approve the minutes for November 30, 2009.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline-Aye
Mr. McClellan-Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

ADJOURN

The meeting was adjourned at 9:56 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees